

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	Examiner: Nguyen, J.
)	
Slothower et al.)	Art Unit: 2629
)	
Serial No. 09/774,990)	Conf. No.: 4362
)	
Filed: January 30, 2001)	
)	
For: INTEGRATED ENCLOSURE/)	
TOUCH SCREEN ASSEMBLY)	
_____)	

REPLY BRIEF

This Reply Brief is in response to the Examiner's Answer mailed March 31, 2009, which was in response to the Appeal Brief (amended) mailed December 10, 2008.

REMARKS

In these remarks, the Appellant is addressing certain arguments presented in the Examiner's Answer. Although only certain arguments are addressed in this Reply Brief, this should not be construed that the Appellant agrees with the other arguments presented in the Examiner's Answer.

On page 7, the Examiner's Answer includes the following statement: "A change in location is generally recognized as being within the level of ordinary skill in the art **in re Japikse, 86 USPQ 70 (CCPA 1950)**, since the operation of the device would not thereby be modified." In response, Appellant respectfully notes that "[t]he mere fact that a worker in the art could arrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of the appellant's specification, to make the necessary changes in the reference device" (*Ex parte Chicago Rawhide Mfg. Co.*, 223 U.S.P.Q. 351, 353 (Bd. Pat. App. & Inter. 1984)). Appellant respectfully submits that the cited reference Takahata et al. (U.S. Patent No. 6,556,189), alone or in combination with Applicants' Admitted Prior Art (AAPA), fails this test.

In light of the above remarks and the arguments presented in the Appeal Brief, Appellant respectfully asserts that the rejection of Claims 1-20 should not be sustained.

Respectfully submitted,
MURABITO HAO & BARNES LLP

Date: 5-28-2009

/William A. Zarbis/

William A. Zarbis
Registration No.: 46,120